S.B.Criminal Revision Petition No.732/2007

Bherulal & Anr.
V.
State of Rajasthan & Anr.

Date of Order :: 14th November, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Sandeep Bhandawat, for the petitioners.
Mr. Vishnu Kachhawaha, Public Prosecutor.

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This revision petition under Section 397 read with 401 Cr.P.C. is preferred to quash the order dated 16.10.2006 passed by Additional Civil Judge (JD) & Judicial Magistrate, Pratapgarh framing charges against the petitioners for the offences under Sections 452, 427/34 and 323/34 IPC.

The contention of counsel for the petitioners is that the first information report was lodged at a belated stage and also that on the day concerned the petitioners were not present at the spot. The issue relating to delay as well as alibi are not available to the petitioners at the stage of framing of charges.

I have perused the first information report and also the order impugned.

The learned Magistrate on basis of specific allegations made against the petitioners framed the charges against them. While doing so, a prima facie

satisfaction of the court is required and I am of the opinion that sufficient material for that is available on record, as such no case is made out for interference by this Court in its revisional jurisdiction.

The revision petition is accordingly dismissed.

(GOVIND MATHUR),J.

Kkm/ps.